

FARMINGTON POLICE DEPARTMENT

POLICY AND PROCEDURE



Policy Number:
299-06

Effective Date:
08/14/2018

Subject:
Crash Review Process

Approved by:

A handwritten signature in black ink, appearing to read "S.D. Hebbe".

Steven D. Hebbe, Chief of Police



PURPOSE:

To provide guidelines for investigating, screening and reviewing motor vehicle traffic crashes involving Department vehicles.

POLICY:

It is the policy of the Farmington Police Department to investigate and screen all motor vehicle traffic crashes involving Department vehicles and to conduct a review by a Crash Review Board, when warranted.

PROCEDURE:

All motor vehicle traffic crashes involving Department vehicles are investigated and documented pursuant to the State of New Mexico Uniform Accident Report Instruction Manual. The investigation, including enforcement action, is conducted to the same degree as any other traffic crash, with the Department employee being held to the same standards as non-employees. The Shift Supervisor photographs the crash scene, including the damage to the Department vehicle and other property involved.

The Shift Supervisor is required to submit an email to FPDCrashReport@fmtn.org containing the following items within 24 hours of the incident. A Deputy Chief may grant an extension to the Shift Supervisor upon a showing of extenuating circumstances:

1. Inter-Office Memorandum written by the involved employee describing the events surrounding the crash with Department Vehicle Unit numbers, description of vehicle or property damage(s) and suspected, obvious, or complaints of injuries. The employee shall document in the memorandum either accepting or denying responsibility for the crash.
2. All photographs taken at the scene shall include all damage and vehicle identifying information such as VIN numbers or license plates and any injuries or complaints of injuries to any involved parties. The Shift Supervisor also shall photograph the dispatch CAD card if possible to document the incident number, date, time, and location of the crash.
3. A copy of the Uniform Crash Report (UCR).
4. Copies of any citations issued to any involved parties including department personnel.

5. Supervisor's Notice of Accident or Injury (Long Form).

6. When applicable, an Inter-Office Memorandum submitted by the Shift Supervisor advising action was taken in accordance with City of Farmington Drug and Alcohol Policy, that testing procedures and parameters occurred as outlined or a Memorandum For Record advising why testing was not performed as indicated in the policy.

7. Notice of Accident or Occupational Disease Disablement (Short Form).

8. Doctor's or hospital note if applicable.

9. Any other documents or information that pertains to the crash investigation or other relevant documents.

Investigation Process:

Upon receipt of the Shift Supervisor's email to the FPD Crash Report email group, the Administrative Lieutenant will create an Incident Report in the AIM file. If the department employee accepts responsibility for the crash, the Administrative Lieutenant will forward the Incident Report to the employee's Shift Lieutenant for discipline/ coaching/ training. The Shift Lieutenant will document any discipline/ coaching/ training in the action taken section of the Incident Report and also complete the related incidents section if they obtained a discipline report number from the Professional Standards Division for discipline at the level of counseling or above. Upon completion, the Shift Lieutenant will forward the Incident Report to the Administrative Lieutenant to close the report. If the involved employee does not accept responsibility for the crash, the Administrative Lieutenant will convene a Crash Review Board and track the AIM Incident Report to the designated Crash Review Board Chairman.

Once the designated Crash Review Board Chairman completes the Crash Review Board Report, they will add the report and notification letters to the exhibit folder in the AIM Incident Report and forward it to the Administrative Lieutenant. If the Crash Review Board finds the crash is Non-Chargeable or No Determination, the Administrative Lieutenant will close out the Incident Report with "no further action" in the action taken section. If the Crash Review Board determines the crash is Chargeable or Chargeable with Mitigating Circumstances, the Administrative Lieutenant will track the AIM Incident Report to the employee's Shift Lieutenant for discipline/ coaching/ training. The Shift Lieutenant will document any discipline in the action taken section of the AIM Incident Report and also complete the related incidents folder if they obtained a supervisor informal discipline report number from the Professional Standards Division for discipline at the level of counseling or above. Upon completion, the Shift Lieutenant will track the Incident Report to the Administrative Lieutenant to close the report.

Crash Review Screening Process:

The Administrative Lieutenant is responsible for screening all motor vehicle traffic crashes involving Department vehicles to determine if the crash requires a review by a Crash Review Board. The screening process involves reviewing all photographs and documentation generated as a result of the traffic accident. If a Crash Review Board is warranted, the Administrative Lieutenant or designee convenes the board.

Crashes which do not require a Crash Review Board are those which involve one or more of the following criteria:

1. The crash involves very minor or no damage;
2. Crashes in which it is inherently obvious that the Department employee is not at fault;

3. Crashes in which the involved employee clearly accepts responsibility.

Crash Review Board Process:

The Administrative Lieutenant or designee is responsible for convening the Crash Review Board within 30 calendar days of the date of the crash. The board is comprised of at least three supervisory personnel. The designated Chairman of the Crash Review Board determines the date and time that the board will meet, who will be serving members on the board, and is responsible for notifying those involved in the process in writing. Those to be notified include the selected board members, the involved Department employee, the investigating officer, and any witnesses or others deemed necessary to the review process.

Those appearing before the board offer testimony and evidence concerning the crash. The board determines their findings and submits a written report which is attached in AIM Incident Report in the exhibits folder, to include previous Crash Review Board Findings. If a finding of either, Chargeable or Chargeable With Mitigating Circumstances is determined, then The AIM Incident Report is submitted to the Administrative Lieutenant to forward through the chain of command to the Chief of Police or designee within 5 working days of the review concluding via the AIM Incident Report.

Crash Review Board Findings:

The Crash Review Board Findings consist of one of the following:

1. Non-chargeable - The employee was not responsible for causing the crash;
2. No Determination - There is not enough information to determine if the employee was responsible for causing the crash;
3. Chargeable - The employee was responsible for causing the crash and may be recommended for disciplinary action;
4. Chargeable With Mitigating Circumstances - The employee was partially responsible for causing the crash, but the crash occurred during accepted police driving procedures under circumstances which are not found during normal driving conditions. This finding does not constitute a Chargeable crash.

Administration of Discipline:

Discipline is administered for chargeable crashes. To determine the severity of the discipline, the nature and severity of the violation and the number of prior chargeable crashes is considered. For chargeable crashes not involving death, great bodily injury, significant property loss, or an egregious violation of Department Policy, the following general disciplinary recommendations apply:

1. First Chargeable Crash - Coaching, counseling, or written reprimand. The circumstances of the crash will determine the level of discipline recommended. Any discipline recommendations above a coaching will be presented at a discipline review meeting;
2. Second Chargeable Crash (within 5 years of the First Chargeable Crash) - Counseling, written reprimand, or suspension. The circumstances of the crash will determine the level of discipline

recommended. In addition, defensive driving instruction or any other related instruction as recommended may also be required;

3. Third or Subsequent Chargeable Crash (within 5 years of the last previous Chargeable Crash) - Written reprimand, suspension, or termination. The circumstances of the crash will determine the level of discipline recommended. Suspension of city vehicle driving privileges for a specified period of time, or other appropriate progressive disciplinary action, and defensive driving instruction or any other related instruction as recommended may be required.

These recommendations are put in place to aid in the decision making process. The recommendations do not preclude an employee from receiving a level of discipline higher than a reprimand, on their first chargeable offense, if the circumstances warrant it. In cases of extreme willful violation or gross negligence, additional disciplinary measures pursuant to City of Farmington Personnel Rules Sections 21-7-1 through 21-7-8 may be applied.

Employees may appeal the findings of the Crash Review Board and the disciplinary action as provided by the City of Farmington Personnel Rules Section 21-7-9 through Section 21-7-11 and Section 21-10-1 through Section 21-10-5.

Crash Review Files:

The Professional Standards Lieutenant and/or the Professional Standards Division are responsible for maintaining the Crash Review files. All traffic crashes involving Department vehicles are filed. The Crash Review files are maintained in the Professional Standards Lieutenant's office for the present year and the 5 years immediately prior. After 5 years, files pertaining to Non-Chargeable Crashes are destroyed. Files pertaining to Crashes with findings of No Determination, Chargeable, and Chargeable with Mitigating Circumstances are submitted for digital archiving.

All chargeable crashes will be considered a risk indicator for tracking in the Early Identification System. The Professional Standards Division is responsible for entering the data into the Early Identification System.